

ORDINANCE NO. 2007 -029

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS TO CHANGE THE FUTURE LAND USE DESIGNATION (FLU) AS FOLLOWS: **MARSH POINTE WAY PROPERTIES** (LGA 2007-044): MODIFYING PAGE 25 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 9.38 ACRES OF LAND, LOCATED AT THE NORTH EAST CORNER OF HOOD ROAD AND JOG ROAD FROM LOW RESIDENTIAL 2 (LR-2) TO LOW RESIDENTIAL 3 (LR-3); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 8, 2007 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2007 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 5, 2007 which was the Department's written review of the

1 proposed Comprehensive Plan amendments; and

2 **WHEREAS**, the written comments submitted by the Department of
3 Community Affairs contained no objections to the amendments contained
4 in this ordinance;

5 **WHEREAS**, on November 26, 2007 the Palm Beach County Board of
6 County Commissioners held a public hearing to review the written
7 comments submitted by the Department of Community Affairs and to
8 consider adoption of the amendments; and

9 **WHEREAS**, the Palm Beach County Board of County Commissioners has
10 determined that the amendments comply with all requirements of the
11 Local Government Comprehensive Planning and Land Development
12 Regulation Act.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
14 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

15 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
16 **Element of the 1989 Comprehensive Plan**

17 The following amendments to the Land Use Element's Future Land
18 Use Atlas are hereby adopted and attached to this Ordinance as Exhibit
19 1:

20 1. **Future Land Use Atlas page 25** is amended as follows:

21 **Application No.:** Marsh Pointe (LGA 2007-044)

22 **Amendment:** From Low Residential, 2 units per acre (LR-
23 2), Low Residential, 3 units per acre (LR-
24 3);

25 **General Location:** Northeast corner of Hood Road and Jog Road

26 **Size:** Approximately 9.38 acres.

27 **Part II. Repeal of Laws in Conflict**

28 All local laws and ordinances applying to the unincorporated area
29 of Palm Beach County in conflict with any provision of this ordinance
30 are hereby repealed to the extent of such conflict.

31 **Part III. Severability**

32 If any section, paragraph, sentence, clause, phrase, or word of
33 this Ordinance is for any reason held by the Court to be
34 unconstitutional, inoperative or void, such holding shall not affect
35 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of
26 Palm Beach County, on the 26th day of November, 2007.

27 ATTEST:

28 SHARON R. BOCK, CLERK

29 PALM BEACH COUNTY, FLORIDA,

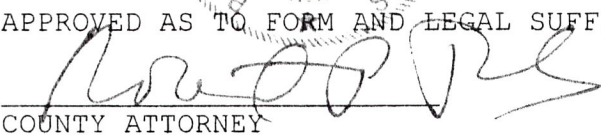
30 BY ITS BOARD OF COUNTY COMMISSIONERS

31 By  By 

32 Deputy Clerk

33 Addie L. Greene, Chairperson

34 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

35 
36 COUNTY ATTORNEY

37
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39 Filed with the Department of State on the 4th day
40 of December, 2007.

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42

Exhibit 1

Amendment No.: LGA 2007-044

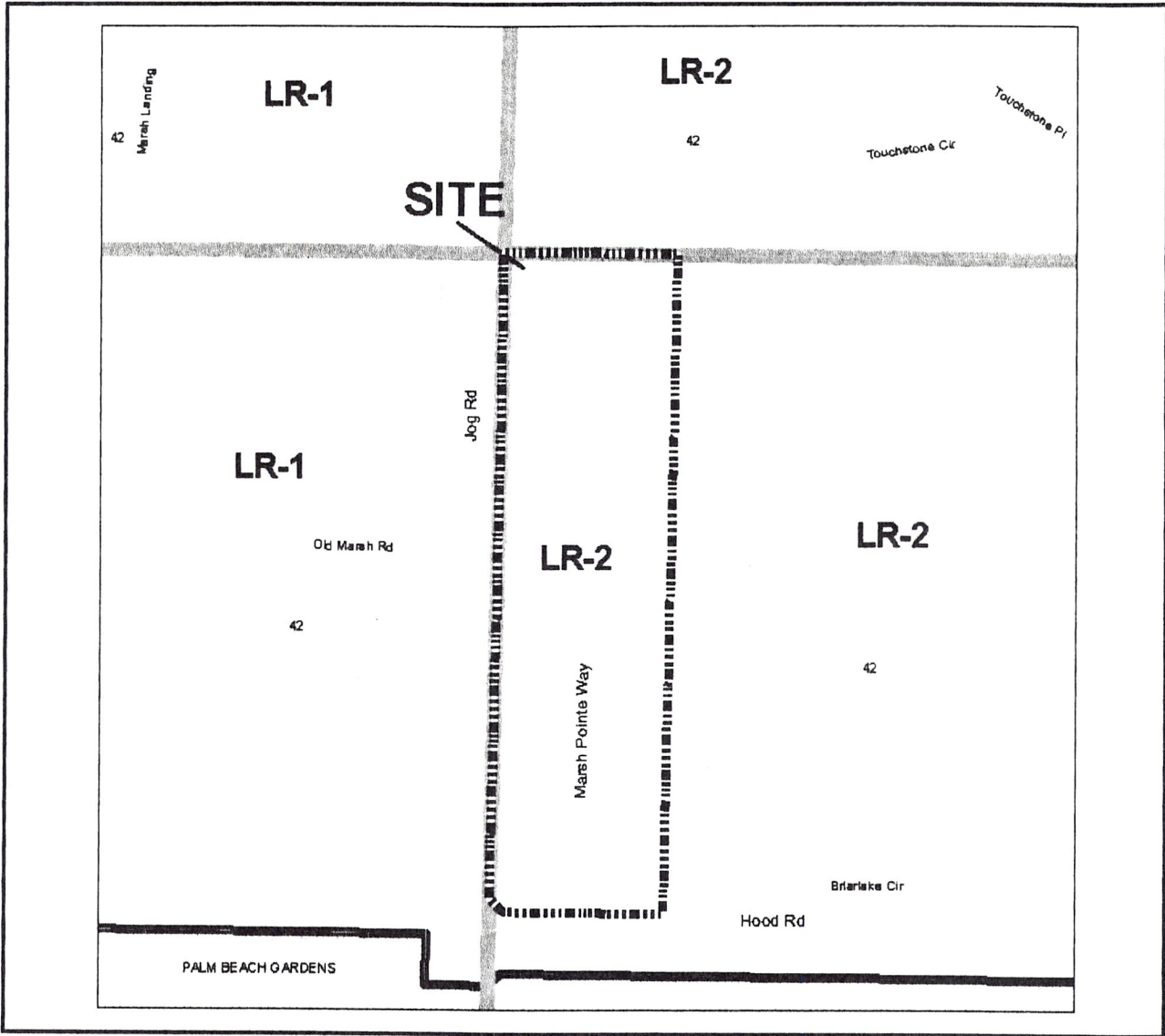
FLUA Page No.: 25

Amendment: From Low Residential, 2 units per acre (LR-2) to Low Residential, 3 units per acre (LR-3)

Location: Northeast corner of Hood Road and Jog Road

Size: Approximately 9.38 acres (29 parcels)

Property No.: 00424134050000010 00424134050000110 00424134050000210
00424134050000020 00424134050000120 00424134050000220
00424134050000030 00424134050000130 00424134050000230
00424134050000040 00424134050000140 00424134050000240
00424134050000050 00424134050000150 00424134050000250
00424134050000060 00424134050000160 00424134050000260
00424134050000070 00424134050000170 00424134050000270
00424134050000080 00424134050000180 00424134050000280
00424134050000090 00424134050000190 00424134050180000
00424134050000100 00424134050000200



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on November 21, 2007

dated at West Palm Beach, FL on 12/11/09
By: Diane Brown

Deputy Clerk
COUNTY
FLORIDA
COMMISSIONERS